

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Louis B. Rosenberg et al
Application No. : 09/153,781
For : **Networked Applications Including Haptic Feedback**
Filed : September 16, 1998
Examiner : Regina Liang
Art Unit : 2629

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Sir:

This is a Reply Brief filed under 37 C.F.R. § 41.41 in response to the Examiner's Answer mailed December 8, 2009 (the "Answer"). This Reply Brief is in connection with the final rejection of claims 12-15, 17-23, 25, 36-40, 42, 43, 58-70, 72-76, 78-82, 92-96, 98-111, 113-116, 120, and 121 in the Final Office Action mailed December 18, 2008 (hereinafter the "Final Office Action").

In the present Reply Brief, Appellant addresses a portion of the issues raised in the Examiner's Answer. Appellant hereby incorporates Appellant's arguments as presented in Appellant's Appeal Brief filed June 15, 2009 (the "Appeal Brief"), and Appellant's failure to address any issue in this Reply Brief should not be taken as an indication that Appellant agrees with the Examiner. The Board should instead consider Appellant's arguments in the record as a whole.

Status of Claims

Claims 12-15, 17-23, 25, 36-40, 42, 43, 58-70, 72-76, 78-82, 92-96, 98-111, 113-116, 120, and 121 stand rejected and are the subject of this appeal. Claims 1-11, 16, 24, 26-35, 41, 44-57, 71, 77, 83-91, 97, 112, 117-119, and 122-147 were cancelled during prosecution.

Argument

Applicant submits this reply brief to briefly respond to the Examiner's responses to Applicant's arguments.

In the Answer, the Examiner asserts that Applicant's interpretation of "haptic feedback information" requires reading limitations into the claims from the specification.¹ The Examiner argues that "haptic feedback information" is a broad term including any type of information that can be used to generate haptic feedback.² Finally, the Examiner asserts that position information disclosed by the Pierce reference can be used to generate haptic feedback and therefore qualifies as haptic feedback information.³ This is incorrect.

In the Appeal Brief, Applicant identified disclosure within the specification that provides descriptions of "haptic feedback information" in contrast to other information that be transmitted over a network. Applicant does not dispute that it was known to send information, generally, over a network.⁴ Therefore, Applicant disclosed that force (or haptic) feedback information is not just any information sent over a network, but rather is a specific type of information.

By interpreting the term "haptic feedback information" to mean any information that may be used to generate a haptic effect, the Examiner's interpretation is too broad. While, it is clearly improper to read limitations from the specification into the claims, some clarification is required because the claim term here is not simply "information." Rather, it is "haptic feedback information," a more specific type of information. And the specification provides guidance when determining whether information is haptic feedback information or not.

The basic problem with the Examiner's interpretation of "haptic feedback information" is that it effectively eliminates the modifier "haptic feedback" from the claim term. The Examiner

¹ See Answer, p. 14-15.

² *Id.* at 15.

³ *Id.*

⁴ See, e.g., Specification, p. 2, lines 21-23.

would thus contravene any information sent over a network to be “haptic feedback information,” so long as a receiver of the information outputs a haptic effect based on the received information. Thus, a conventional email could be “haptic feedback information” if a receiving cell phone is configured to output a vibration upon receipt of a new email, even if the sender of the email has no idea that the receiver can output haptic effects and has not included any information with the email to cause a haptic effect to be output. However, even a cursory review of the specification reveals that “haptic feedback information” is narrower than the Examiner’s interpretation.

Specifically, haptic feedback information is information designed to cause a specific haptic effect to be output.⁵ In other words, the sender of the haptic feedback information has some affirmative control over the haptic effect to be output based on the haptic feedback information. This is in contrast to other types of information that may be sent which may incidentally be used to determine whether a haptic effect should be output, but do not otherwise contain haptic feedback information. For example, and with specific regard to the Examiner’s arguments about the Pierce reference, the specification distinguishes between basic location information sent over a network and force feedback information.⁶ The specification also discloses that “force feedback or ‘feel sensation information’ can be transferred from one host computer to another over the network.”⁷ Further, the specification discloses that “[t]his type of information can be provided, for example, if a force should be output that is not based on position or motion of the user manipulatable objects or interacting graphical objects. Thus, if a button press on a joystick manipulandum of force feedback device 316 designates that a vibration is to be output on the other joystick manipulandum of force feedback device 326, a force feedback command or other similar information can be sent from computer 312 to computer 322, preferably including parameters describing the vibration feel sensation. Computer 322 parses and interprets the command and then commands the force feedback device 326 to output the vibration on the joystick of device 326.”⁸ Thus, it is apparent from the specification that “haptic feedback information” is not just any information that can be sent over the network that may result in a haptic effect. Instead, the specification distinguishes between

⁵ *Id.*, e.g., at 3, lines 3-5.

⁶ *Id.*, e.g., at 4, lines 2-5 (“The information sent over the network can include position information describing a position of a manipulandum of the force feedback devices, and/or can include force feedback information indicating a force sensation to be output by the remote force feedback device.”)

⁷ *Id.*, e.g., at 23, lines 3-4.

⁸ *Id.*, e.g., at 23, lines 4-12.

information in general, such as location information, and force (or haptic) feedback information that is specially configured to cause a haptic effect to be output. As such, Applicant has not imported claim limitations from the specification, but rather has sought guidance from the specification to determine the difference between “information” in general and “haptic feedback information.” And it is clear from the specification that “haptic feedback information” is information that is designed to cause a haptic effect to be output, rather than any information that is sent over a network.

None of the references cited by the Examiner disclose or suggest “haptic feedback information.” Therefore, the Examiner has failed to state a prima facie case of obviousness and the claims are patentable over the references cited. Thus, the Examiner’s rejections should be reversed.

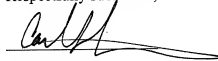
In view of the foregoing as well as Applicant’s arguments in the Appeal Brief, Applicant respectfully requests the Board reverse the Examiner’s rejection of claims 12-15, 17-23, 25, 36-40, 42, 43, 58-70, 72-76, 78-82, 92-96, 98-111, 113-116, 120, and 121.

Date:

February 8, 2010

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Respectfully submitted,



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